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INDIANA HORSE RACING COMMISSION MEETING

HELD ON

JUNE 29, 2022

10:30 A.M.

AT

HORSESHOE INDIANAPOLIS

MARQUEE ROOM

4300 NORTH MICHIGAN ROAD

SHELBYVILLE INDIANA

\* \* \* \* \* \* \* \* \* \*

A STENOGRAPHIC RECORD BY:

Clarice H. Howard

Professional Court Reporter & Notary Public

A P P E A R A N C E S

COMMISSIONERS:

Philip Borst, DVM, Chairman

Bill Estes

Gus Levengood

William McCarty

COMMISSION STAFF:

Deena Pitman, Executive Director

Dale Pennycuff, Esq.

Matt Eggiman, Esq.

Indiana Horse Racing Commission

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Suite 175

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1 (Time noted: 10:30 a.m.)

2 CHAIRMAN BORST: Okay. Why don't we call this  
3 meeting to order. Welcome, everybody. First off,  
4 I'm going to swear in our reporter.

5 (Oath administered to court reporter.)

6 CHAIRMAN BORST: Thank you, again, Horseshoe  
7 Indianapolis, we appreciate you guys hosting this  
8 again. I figured this would be the appropriate  
9 place with some of the subjects we have today, just  
10 a small thing we're going to have to deal with, but  
11 we thank you for that.

12 I'd like to introduce a new attorney, a new  
13 addition, Matt Eggiman. Welcome. He's taken --  
14 actually Dale has kind of moved up and he's taking  
15 Dale's spot. And Dale's done a great job, too.  
16 You know, I don't know whether this is appropriate  
17 or not or whether we do these things, but, you  
18 know, we did lose Noah Jackson, and I think it  
19 might make sense to have a little moment of  
20 silence. It was a great loss.

21 (Moment of silence.)

22 CHAIRMAN BORST: Thank you. Too young. That  
23 was just a shame. Okay. So at this point I guess  
24 I would take a motion to approve the memoranda from  
25 the March 1 meeting.

1 COMMISSIONER ESTES: So move.

2 COMMISSIONER McCARTY: Second.

3 CHAIRMAN BORST: Moved and seconded. We don't  
4 have to do roll call votes; we're all here. All  
5 those in favor say aye.

6 (Members all say aye.)

7 CHAIRMAN BORST: All those opposed? Okay.

8 Next on the agenda is readoption of  
9 administrative rules scheduled to expire. Dale,  
10 you want to take that?

11 MR. PENNYCUFF: Like other administrative  
12 agencies, the Commission's administrative rules  
13 automatically expire every seven years. However,  
14 the Agency is given the opportunity to readopt  
15 their rules so long as the rule language remains  
16 identical. There are a number of rules scheduled  
17 to expire at the end of year, each of which is  
18 listed in the Notice of Intent to Readopt.

19 Commission staff will post the rules on the  
20 legislative service agency's website as required by  
21 statute. This gives an opportunity for members of  
22 the public to ask us to consider making changes to  
23 the changes or readopting separately. We will also  
24 share the list of readoption with the Horseman's  
25 Horseman's Association and Caesars for

1 informational purposes.

2 Commission staff is presenting these rules for  
3 your information, in case you have any input on the  
4 rules to be readopted without change. If there are  
5 no changes, no vote will be necessary. If you wish  
6 to make a change, a vote would be required.

7 CHAIRMAN BORST: So for today, take any  
8 questions or comments basically?

9 MR. PENNYCUFF: Yes.

10 CHAIRMAN BORST: Does anyone have any  
11 questions or comments on the readopted rules that  
12 are on the agenda? Seeing none, then I guess we  
13 don't have to have a motion, then, right?

14 MR. PENNYCUFF: Correct.

15 CHAIRMAN BORST: Okay. We'll move to No. 2,  
16 review and consideration of the following Indiana  
17 Horse Racing Commission emergency rules.

18 MR. PENNYCUFF: Agenda Item 2 is the proposed  
19 emergency rules which cover all breeds. The rule  
20 packet in your meeting booklets are for  
21 housekeeping purposes and were posted on the IHRC  
22 website. We received no public comments. All of  
23 those rules are posted separately on the agenda.

24 Commission typically casts a single vote in  
25 favor, with no opposition to passage of the

1 emergency rules as a single document, which will,  
2 then, be sent to the legislative services agency.  
3 Under the Commission's emergency rule making  
4 authority, the rules will go into effect as soon as  
5 they are filed.

6 At this time Commission staff respectfully  
7 requests the approval of the rules listed in the  
8 agenda and provided in your meeting materials.

9 CHAIRMAN BORST: Do we have a motion and a  
10 second?

11 COMMISSIONER ESTES: I would move to approve  
12 the emergency rules.

13 COMMISSIONER McCARTY: Second.

14 CHAIRMAN BORST: Moved and seconded. Any  
15 comments from the public at all on any of the  
16 rules? Already read them hopefully and seen them.  
17 Seeing none, any Commission comments? If not, all  
18 those in favor say aye.

19 (Members all say aye.)

20 CHAIRMAN BORST: Opposed? The ayes have it.  
21 It's passed.

22 Next is consideration and approval of the 2022  
23 Standardbred Advisory Board County fair harness  
24 racing program.

25 MR. PENNYCUFF: Commissioners, Jessica Barnes,

1 Director of Racing and Breed Development, will  
2 present the Standardbred Advisory Board budget for  
3 the year of 2022.

4 MS. BARNES: Good morning. This is the  
5 Standardbred Advisory Board's program. The  
6 advisory board is the board -- it's a five-member  
7 governor appointed board that used to be in the  
8 Office of Commissioner of Agriculture back in 1994  
9 and then moved over to the Racing Commission.

10 They prescribe the conditions of the Indiana  
11 Sire Stakes and Indiana Sire Fair circuit. The  
12 county fairs actually ran under the rules and  
13 regulations of the USTA.

14 So our role with those programs is that we  
15 help set up the fair schedule. We control the  
16 conditions for those races. The fairs actually put  
17 on the fair program through the USTA rules, but we  
18 administer the drug testing program because we are  
19 using breed development funds for their purses that  
20 have already been approved.

21 So our budget is fairly small. It's an  
22 appropriation from -- used to be an appropriation  
23 from the state and now it's actually an  
24 appropriation from the Commission that comes to the  
25 advisory board for those programs.

1           So our costs are pretty much the  
2           administration of the drug testing program. We do  
3           do a stipend for the fairs to help them hire the  
4           officials that are required for the USTA and some  
5           promotions for the county fairs.

6           So I would be happy to answer questions you  
7           have.

8           CHAIRMAN BORST: Any questions for Jessica?  
9           Another puzzle you've put together.

10          MS. BARNES: Thank you.

11          CHAIRMAN BORST: Seeing none, I will accept  
12          motion and a second.

13          COMMISSIONER ESTES: So move.

14          COMMISSIONER McCARTY: Second.

15          CHAIRMAN BORST: Moved and seconded that we  
16          approve the Standardbred Advisory Board County Fair  
17          harness racing program. Any members of the public  
18          to speak to it? If not, all those favor, say aye.

19                       (Members all say aye.)

20          CHAIRMAN BORST: Opposed? The ayes have it.  
21          Thank you, again, Jessica.

22          Next is review and consideration of the  
23          extension of PENN ADW's Secondary Para-Mutuel  
24          Organization license which will allow PENN ADW to  
25          continue providing advance deposit wagering

1 services to Indiana customers. Dale, you got that  
2 one?

3 MR. PENNYCUFF: Commissioners, PENN ADW, LLC,  
4 doing business as Hollywood Races or PENN, filed  
5 for and was approved as a secondary para-mutuel  
6 organization of SPMO at a public hearing in front  
7 of this Commission on July 15, 2021, for a one-year  
8 period.

9 The other six SPMO's license renewal period  
10 runs from January 1st to December 31st of each  
11 calendar year, making PENN the only midyear  
12 approval required. 71 IAC 2-2-1 allows the  
13 Commission to waive a rule if compliance of the  
14 rule is impracticable or unduly burdensome,  
15 providing waiving the rule will still ensure that  
16 the para-mutuel wagering in Indiana will continue  
17 to be conducted with the highest standards and the  
18 greatest level integrity.

19 The approval of the extension for PENN as a  
20 SPMO through December 31, 2022, pursuant to 71 IAC  
21 2-2-1(c) relieves the burden on PENN and the  
22 Commission by allowing all SPMO renewal periods to  
23 begin on January 1 and end on December 31 and  
24 assures that para-mutuel wagering on horse races in  
25 Indiana would continue to be conducted with the

1 highest standards and greatest level of integrity.

2 Commission staff respectfully requests that  
3 the Commission approve the extension, condition  
4 final order for PENN.

5 CHAIRMAN BORST: Thank you. Motion and  
6 second?

7 COMMISSIONER McCARTY: I would move to  
8 approve.

9 COMMISSIONER ESTES: And I would second.

10 CHAIRMAN BORST: Been moved and seconded. Any  
11 members of the public to speak? Any Commission  
12 questions? Okay. All those in favor say aye.

13 (Members all say aye.)

14 CHAIRMAN BORST: Opposed. The ayes have it.

15 Next is a petition to amend NYRA Bets' SPMO  
16 license reflecting the addition of Caesars Racebook  
17 as an affiliate.

18 MR. PENNYCUFF: Commissioners, on March 29,  
19 2022, the SPMO NYRA Bets, LLC, or NYRA Bets,  
20 submitted a petition for marketing affiliate ADW  
21 service along with an updated plan of operations.  
22 NYRA Bets requested the approval of the Commission  
23 to add Caesars Racebook as a marketing affiliate to  
24 NYRA Bets' SPMO license.

25 American Wagering, Inc., doing business as

1 Caesars Racebook is a wholly owned subsidiary of  
2 Caesars Entertainment, Inc. The Oregon Racing  
3 Commission approved the digital services agreement  
4 on March 6, 2022. That's significant because the  
5 Oregon Racing Commission is the organization that  
6 licensed the ADW hubs and there will be yearly  
7 audits scheduled for all hub licensees.

8 NYRA Bets' request is a similar to TVG's  
9 request to add FanDuel to its SPMO license as a  
10 marketing affiliate at the May 28, 2020 Commission  
11 meeting. The goal is to build interest in horse  
12 racing product through a familiar brand. The back  
13 end of Caesars Racebook is under complete control  
14 of NYRA Bets.

15 Because the addition of Caesars Racebook  
16 represents a material change to NYRA Bets' SPMO  
17 license application, it would require Commission  
18 approval. Based on the delegation of authority to  
19 approve 2022 race matters prior to the next  
20 Commission meeting, with review by the Commission  
21 at the next meeting that was given to the Executive  
22 Director at the March 1, 2022 meeting, Executive  
23 Director Pitman gave NYRA Bets interim approval on  
24 June 3, 2022.

25 Commission staff respectfully requests that

1 the Commission affirm the interim approval of NYRA  
2 Bets' petition.

3 CHAIRMAN BORST: Thank you. Do we have a  
4 motion and a second?

5 COMMISSIONER ESTES: I move to accept.

6 COMMISSIONER McCARTY: Second.

7 CHAIRMAN BORST: Moved and seconded Any  
8 members of the public? Any Commission members have  
9 questions? Seeing none, all those in favor say  
10 aye.

11 (Members all say aye.)

12 CHAIRMAN BORST: All those opposed? The ayes  
13 have it.

14 Next is review of Commission rulings. No vote  
15 there. But if anybody has any questions as you  
16 look through them, of any particular ones that you  
17 saw, now is the time to bring that up. If not,  
18 then we will move on to the main event, I guess.

19 Review and consideration on whether to sign a  
20 Voluntary Implementation Agreement with the Horse  
21 Racing Integrity and Safety Authority HISA or HESA,  
22 however you want to pronounce -- they don't even  
23 know how to pronounce it, so I don't know --  
24 regarding racetrack safety rules effective  
25 July 1, 2022 and a review of HISA's six-month

1 assessment fee July 1 through December 31, 2022.

2 MR. PENNYCUFF: Commissioners, both the  
3 voluntarily implementation agreement and the HISA  
4 fee assessment proposal will require a vote, and  
5 the votes will be conducted separately.

6 MR. EGGIMAN: The federal legislation provides  
7 that the HISA authority can work with state racing  
8 commissions to utilize commission resources to help  
9 implement, execute and enforce the HISA act. HISA  
10 sent racing commissions a voluntarily  
11 implementation agreement, or VIA.

12 The current vision of the VIA is a result of  
13 input from the Indiana Attorney General's Office,  
14 Commission staff and HISA attorneys over many  
15 weeks. Indiana's agreement have a strong clause to  
16 indemnify the Commission and our state employees.

17 I'll let Executive Director Pitman explain in  
18 more detail the VIA.

19 MS. PITMAN: Thank you, Matt. With the  
20 implementation of the first batch of the HISA  
21 rules, the racetrack safety rules effective July 1,  
22 the Authority has requested every racing commission  
23 where thoroughbred racing is conducted to sign an  
24 agreement, which essentially promises HISA that  
25 racing in Indiana will be compliant with the new

1 federal regulations that become effective on  
2 July 1.

3 The agreement basically identifies to HISA the  
4 individuals at the racetrack and commission level  
5 that will be responsible for HISA rule enforcement  
6 in Indiana. If HISA rules are not enforced by  
7 either the Commission stewards and/or a combination  
8 of Commission and racetrack employees, then the law  
9 allows HISA to hire individuals to do so.

10 If that is the case, then the additional  
11 expense to do that would also be passed down to the  
12 racetrack and ultimately the horsemen to pay, in  
13 addition to the fee HISA has already assessed.  
14 Furthermore, failure to conduct racing using  
15 federal rule enforcement could jeopardize a  
16 percentage of simulcast proceeds that are currently  
17 deposited into the horsemen's purse account.

18 Uniform regulation, if done correctly, is a  
19 good thing. Unfortunately, the proposed HISA  
20 implementation process to date has been anything  
21 but easy, which is why it will almost certainly be  
22 a continuous work in progress.

23 While the federal racetrack safety rules  
24 comprise of very specific changes and include  
25 additional reporting requirements for trainers,

1 jockeys, practicing veterinaries and racetrack  
2 personnel, the total number of the July 1 rules  
3 that are preempting Commission rules are a very low  
4 percentage of the overall thoroughbred rules of  
5 racing in Indiana.

6 Therefore, the majority of the Commission's  
7 rules of racing will stay the same. I believe  
8 utilizing the same individuals currently enforcing  
9 rules at Horseshoe Indianapolis remains in the best  
10 interest of the racetrack and the horsemen in  
11 Indiana.

12 Since many of the HISA committees and board  
13 members are necessarily experienced in the  
14 practicalities of horse racing, I have to add that  
15 utilizing these individuals may be helpful to HISA  
16 from a practical stance, especially when it comes  
17 HISA's understanding the unintended consequences of  
18 new and past HISA rules and negative impact on  
19 longstanding industry practices that were not taken  
20 into consideration when a specific rule was passed.

21 As the Commission discusses this topic, Dale,  
22 Matt or I am happy any questions you may have.

23 CHAIRMAN BORST: Thank you. So that kind of  
24 sets the stage a little bit. You know, I have to  
25 give kudos to everybody, I guess, that the staff

1 has worked so hard for months and months and  
2 obviously Caesars and Joe Morris have been great  
3 and the horsemen have been great, too, to try to  
4 work through this. Nobody particularly likes it,  
5 but we've got to do it. We've got to do something  
6 because it's a federal law and we want to be as  
7 cooperative as we.

8 But I'll tell you that our attorneys have  
9 really changed the agreement to help us out a lot,  
10 and no other state has that right now. So you have  
11 to give them a big kudo because of trying to  
12 protect the state of Indiana and the horsemen and  
13 all.

14 A lot us have been on conference calls. I've  
15 tried to learn as much as I could. I went to a  
16 conference in Arizona and tried to keep up on it  
17 and learn, and just everything changes everyday and  
18 you're seeing that, too. And to keep up with it is  
19 not easy, but we've got to do it.

20 We just decided that probably the best bet is  
21 to try to play along best we can with them and try  
22 to cooperate, and maybe they'll give us some breaks  
23 here and there if we need them and maybe they'll  
24 listen to us and maybe we'll be able to come up  
25 with a better system for them to help them out.

1 That's what we're hoping anyway.

2 I guess next maybe Joe Morris, from your point  
3 of view, you've been in the middle of all of this  
4 thankfully and you don't have just Indiana to worry  
5 about; you've got other tracks to worry about, too.  
6 But you might want to tell us where you're at and  
7 where Caesars has stepped up and is working with  
8 the horsemen and so on.

9 MR. MORRIS: Good morning, Commissioners. Joe  
10 Morris, with Caesars Entertainment. Racing, it's  
11 been a part of the process and it is the federal  
12 law. There's been numerous meetings, and I'd like  
13 to just point out that the collective collaboration  
14 we've had here. Eric Hallstrum, who is not here  
15 today, but he's been a part of it. Dr. Hardy has  
16 been right in the middle of it and been  
17 instrumental in this whole process. Brian Elmore  
18 and Joe Davis have been right there side by side  
19 with us. Rodney Prescott with the jockeys, Roy  
20 Smith on the track side, casination staff as we've  
21 been walking through this, because at the beginning  
22 when the Commission staff passed on this, then the  
23 letter came Mr. Morris at Caesars. So it came  
24 right onto us, too, to do it.

25 That did not stop our collaborations and all.

1 We still worked side by side with the Commission to  
2 try to get us to the best place, and in our racing  
3 office, who's still helping with the whole process.

4 Good news is HISA has backed up a little bit  
5 in some areas. They've made it a little easier.  
6 Grooms and hot walkers were supposed to all be  
7 covered people and sign up. We're at least going  
8 to get a pass for a while on them. So they kind of  
9 gave us one, two, three, to which I changed into  
10 the real one, which the real one which they  
11 wouldn't say is you need to pay us.

12 So we worked out with the horsemen how we  
13 would do that, and we have that letter to HISA and  
14 they've approved that side of it. And hopefully  
15 maybe the Commission is going to participate in  
16 that also.

17 We're kind of setting a standard for the  
18 industry. There's different ways to do it, but  
19 there's true partnerships in this industry and  
20 track and horsemen is one of them and then how you  
21 work and collaborate with your regulators is  
22 another one. So we would -- it would be quite a  
23 statement to the industry to see what we always  
24 refer to as our gold star standard, the horsemen,  
25 Commission, association standing there side by side

1 working through this whole process.

2 A couple of weeks ago here on a Thursday  
3 working, again, with Brian and Joe, we had a HISA  
4 meeting. There was over 50 people in this very  
5 room. We had 46 on the ZOOM call and then we had  
6 Alex Walder, who is an old friend of mine who was  
7 on the call, Sue Stover, one of the veterinary  
8 regulatory experts as part -- she's on the HISA  
9 board, and we had the head of IT, Steve Ketch.

10 A lot of questions are procedural. I mean the  
11 time to complain about it and the time to try to  
12 input is past us at this point. The law is going  
13 in. How can we make it work for us, how can we  
14 sequence this. So it makes sense on how we can get  
15 in and then add layers to it as it goes forward.

16 So we had the call and it was an hour and half  
17 call. A lot of emotion on it and everybody got to  
18 speak their mind on it. HISA really across the  
19 board is in catch-up. They're just behind on just  
20 about all of it. They're adding resources, little  
21 late in the game, but at least they're getting in  
22 the game and we working through it.

23 So we had some issues on getting trainers  
24 signed up, covered, getting their horses covered.  
25 So one was trainers and an owner. One owner from

1 that horse needs to be signed up. That was a  
2 little bit of a give on their part because  
3 originally they were talking about all the owners.

4 The second part is getting the jockeys signed  
5 up. They need to be signed up. They've given us a  
6 little bit of leeway. We'll working with our  
7 jocks. We found a local doctor whose doing the  
8 concussion protocol. Caesars has stepped up to pay  
9 the bills on that so they can get through it. And  
10 we're down just to a very small number that aren't  
11 covered now.

12 So we've gone through that. Our racing office  
13 has been talking to the trainers and the owners,  
14 trying to help them get set up. If I call it Joe  
15 dumb proof, if I can figure out how to do it  
16 anybody can, not my expertise. Some trainers, some  
17 of them might not even have computers, so we've got  
18 to help them get set up. And Chris Bowes and his  
19 crew is working on that to get through all of that.

20 As the Chair said earlier, I don't think any  
21 of us like it. It is the law. We do need to  
22 figure it out and work through it, and that's what  
23 we're attempting to do. Our first day under HISA  
24 will be July 4. We've drawn on July 4. We'll  
25 still be clearing that card is the way I would say

1           it, trying to get people set up so we don't have to  
2           have tractions on it.

3           Good news is our business has been pretty good  
4           here lately. You know, we're picking up on the  
5           number of horses we've had and coming into the main  
6           time of our season with the Derby and Oaks coming  
7           up a week from Saturday. A lot of people doing a  
8           lot of work.

9           I'll take any questions.

10          CHAIRMAN BORST: Anybody have any questions?  
11          You covered it well. Question, Commissioner  
12          McCarty.

13          COMMISSIONER McCARTY: I just want to commend  
14          you for this effort to make this work and to help  
15          them find a course that is rationale and not  
16          overburdensome. So I commend you for that.

17          I also want to say I have great reservations  
18          about the implementation of this and will watch  
19          very closely over this first quarter, July, August  
20          and September, and what kind of process is being  
21          made on this. I appreciate your efforts, Joe.

22          CHAIRMAN BORST: Why don't we -- so we have  
23          something before us -- that was kind of a general  
24          introduction. Why don't we have a motion and a  
25          second on the draft voluntary implementation

1 agreement and then we'll open it up to the public.

2 COMMISSIONER ESTES: So move.

3 COMMISSIONER McCARTY: And I'll second.

4 CHAIRMAN BORST: Okay. So before us we have  
5 the draft agreement. I'm going to open it up to  
6 you all. If you've got anything burning -- of  
7 course, Brian does, he always does, but if you've  
8 got anything burning you want to say, now is the  
9 time to say it before we do anything because we  
10 want to have some input and everybody has got to  
11 work together. Brian, take it.

12 MR. ELMORE: Brian Elmore, Executive Director  
13 of the Indiana HBPA. Commissioners, staff,  
14 associates, I want to apologize because up until  
15 this point, this meeting has been going real  
16 smoothly and quickly. I think we could have been  
17 on pace for a track record as far as time, but I  
18 hate to tell you that it's going to be delayed a  
19 couple of minutes. But please bear with me because  
20 I want you to know firsthand some of the issues our  
21 horsemen have had to go through and hoops we've had  
22 to do.

23 The Horse Racing Safety Integrity Act, roll  
24 out is not ready for implementation and needs to be  
25 delayed as is blatantly evident from the various

1 town hall type meetings HISA has had with horsemen.  
2 It is difficult to get a straight answer on how  
3 rules are going to be enforced and often the answer  
4 varies from one meeting to the next.

5 Additionally, we have seen the Authority  
6 abandon the direction from Congress by changing the  
7 program effective date, by moving enforcement dates  
8 on rules without the permission of the FTC or  
9 Congress and by forcing registrations onto industry  
10 participants, who must agree to all of the rules  
11 when the total set of rules have not been reviewed  
12 or approved by the FTC including the registration  
13 rule.

14 July 16, Mr. Morris was kind enough to arrange  
15 a ZOOM meeting here in this meeting and we did have  
16 at least have 50 horsemen here and with Alex Walder  
17 from HISA, an attorney. No offense, Matt, Dale,  
18 don't take any offense, but I might say when we  
19 point blank asked him, I point blank asked him has  
20 the HISA registration rule been approved by the  
21 FTC, he hesitated a second, which told me I knew  
22 what he was going to say, and he said yes. I said  
23 are you sure. He said yes.

24 Just for interest, the FTC met the afternoon  
25 of June 16 at 1 o'clock and this was not on their

1 docket and they meet once a month. So they don't  
2 meet until July. So it's not been approved or  
3 reviewed by the FTC.

4 I have an e-mail from John Roach, who is the  
5 attorney for HISA, and he states the registration  
6 has not approved by the FTC. We anticipate that  
7 the FTC will consider the rule this month. We  
8 apologize. Mr. Walder misspoke, misspoke.

9 If I get up and make a comment like that, I  
10 know what they'd say about me is that you're lying,  
11 you're lying. It's funny the next day when you try  
12 to get out of a jam and got caught, he misspoke.  
13 You think that an attorney with HISA employed by  
14 them would know the rules. Evidently they don't.

15 Secondly, the Authority has failed to  
16 promulgated rules based upon the suggestions of  
17 trainers, owners, jockeys and practicing  
18 veterinarians who have a lifetime of experience in  
19 the industry. It is our opinion the Act along with  
20 the aspects of the regulations are unconstitutional  
21 for a variety of reasons.

22 One of the most troubling is the triconic  
23 approach that forces horsemen to waive their basic  
24 constitutional rights to due process and a fair and  
25 speedy hearing for any alleged violation by

1 registering via rule that has not been approved by  
2 the FTC. I've got copies I would like to provide  
3 the Commission, and I think I've got one for  
4 everybody. If I may, I'll just present these to  
5 Deena, and this is the letter from Senator Chuck  
6 Grassley Monday. I went to the FTC and I went to  
7 the Authority. I'm not going to read the whole  
8 letter. I'll let you read it, but I do want to  
9 point out a couple of things it says in this  
10 letter.

11 This letter is signed by four senators, Chuck  
12 Grassley, Joe Manchin, John Kennedy, and Joni  
13 Ernst. To the Honorable Lina Khan, Chair of the  
14 Federal Trade Commission, to Ms. Lisa Lazarus,  
15 President and CEO of the Horseracing Integrity and  
16 Safety Act. First, the Authority publicly stated  
17 in a December 2021 press release that it will not  
18 implement the anti-doping and medical control  
19 program by the statutory deadline of July 1, 2022.  
20 This deadline is statutorily required and neither  
21 the FTC nor the Authority have the Authority to  
22 extend the deadline.

23 Later it talks about the deadline, its risk  
24 leaving the regulated industry without the  
25 certainty and transparency they need to budget for

1 the current or future race meets. We don't know  
2 what it's going to cost. This first round of  
3 412,000, it's just a start. That's the safety and  
4 integrity part, which to me personally insults me  
5 because I think we've got a fine group of staff  
6 here in Indiana. I'm very confident in Dr.  
7 Peterson, Dr. Hardy and the other vets that we have  
8 here. And to me it's a slap in their face by  
9 implying possibly they're not doing as much as they  
10 should be doing.

11 HISA has yet to give the industry the entire  
12 budget for the programs, and thus far is unduly and  
13 unnecessarily expensive. A fix to uniform rules  
14 and uniform standards can be relatively simple and  
15 inexpensive without a whole new layer of monestrous  
16 federal oversight paying federal bureaucrats large  
17 six and seven figure salaries. Any such effort by  
18 the federal government is extremely troublesome and  
19 in all likelihood will be extremely detrimental to  
20 the financial wellbeing of the thoroughbred racing  
21 industry.

22 Also, I'll give you an update. The Indiana  
23 HBPA, along with 11 of its affiliates and the  
24 National HBPA, filed theirs briefs this past Monday  
25 in New Orleans in the Fifth Circuit Court

1 challenging the constitutionality of HISA, a  
2 75-page document, 223 pages appendix again.

3 The Supreme Court of the United States came  
4 out with the anti-commandeering doctrine. It was  
5 derived from the 10th Amendment of our  
6 Constitution. It says the federal government  
7 cannot require states or state officials to adopt  
8 or enforce federal law. There is the main crux of  
9 the state of Texas and the Texas Racing Commission  
10 in their suit challenge to HISA, the  
11 anti-commandeering act doctrine.

12 This is the new whip, which was to go into  
13 effect July 1. It got postponed until August 1,  
14 due to a lack of whips available. There are many  
15 owners in this industry that only have one or two  
16 horses, and can you imagine the disappointment when  
17 they finally win a race, maybe break their maiden  
18 and the next day they get a call from a steward  
19 saying Mr. Borris, sure am sorry to notify you of  
20 this, but your jokey struck the horse one more than  
21 was allowed and you've lost your purse; are you  
22 kidding me.

23 We're going to expect our jockeys on a race  
24 that lasts a minute and 35 seconds going a mile,  
25 taking it in their mind to be counting the number

1 of strikes they use. Two purposes for this. No. 1  
2 is to control the horse. You've got to remember,  
3 the jockeys have only a set reins and are bouncing  
4 on the balls of their feet on a saddle which  
5 includes the stirrups that weighs two and a half  
6 pounds.

7 This is their tool. This is their tool of  
8 their trade. They must control the horse with  
9 this. It's also used to urge the horse. And if it  
10 would be all right, I'd like to do a little  
11 demonstration for you, and I'm going to call upon  
12 our chaplain here, Otto Cobra, to assist me in a  
13 demonstration for you about the effectiveness of  
14 this and why it is dangerous.

15 Now, Otto was a success jockey. He had many  
16 leading jockey awards at meets. He also starred in  
17 a little movie that Disney made called Secretariat.  
18 He played in Secretariat. So if you haven't seen  
19 it, go home and rent it and you'll see Otto in the  
20 movie. Otto --

21 Now, notice, I am not wearing a flap jacket.  
22 This is all mass. This comes from eating gallons  
23 and gallons of ice cream. Otto, you've probably  
24 been waiting to do this for a long time.

25 CHAIRMAN BORST: There will be others, too.

1 (Demonstration presented.)

2 MR. ELMORE: Now, wait just a minute, Otto,  
3 don't hold back. But for just a moment, just a  
4 moment, close your eyes. Close your eyes and  
5 listen to this.

6 (Demonstration presented.)

7 MR. ELMORE: Thank you, Otto. It sounds like  
8 a firecracker, would you agree? Chairman Borst, as  
9 a doctor of veterinary medicine, is it true that  
10 domesticated and farm animals are often frightened  
11 by fireworks?

12 CHAIRMAN BORST: I wrote a whole bunch of  
13 prescriptions yesterday for dogs.

14 MR. ELMORE: For the Fourth of July?

15 CHAIRMAN BORST: Yes, I did.

16 MR. ELMORE: Well, see, the horses are the  
17 same way, especially young horses. This is going  
18 to scare a horse. I asked Fernando Dela Cruse,  
19 who's been a leading rider here, I asked Rodney  
20 Prescott independently, who's the winning most  
21 jockey in the history of Indiana racing, and they  
22 describe this in one word, dangerous, dangerous.

23 We don't have any studies on how a horse is  
24 going to react to this. That sound can make a  
25 horse dart, go some other direction, do something

1 different than what they're accustomed to.

2 This whip was used in a race last week. Sammy  
3 Bermuda used this whip in a race. It's his.  
4 Rodney Prescott was riding the race to be outside  
5 of him. When Rodney heard this, they were  
6 approaching the finish line, and Rodney thought  
7 there was an active shooter on the apron. If the  
8 perception is to the betting public, who we often  
9 forget about, that this is kinder and gentler to a  
10 horse, how are they going to perceive the sound  
11 that they're going to hear when you've got multiple  
12 riders coming down the stretch and it sounds like  
13 an AR15 going off.

14 COMMISSIONER ESTES: Will you take a question?

15 MR. ELMORE: Oh, absolutely. I love  
16 questions.

17 COMMISSIONER ESTES: Where are these whips  
18 used presently?

19 MR. ELMORE: I don't know of anyplace. Jeff  
20 Johnston from the Jockeys Guild is here. Jeff,  
21 could you answer that? I don't know of any, which  
22 could be.

23 MR. JOHNSTON: This particular whip was  
24 developed by retired Jockey Ramon Dominguez. It  
25 came out about two or three years ago. He did

1 preliminary studies and trial periods in New York  
2 with a number of jockeys. They had several  
3 problems with them, with the way they're holding  
4 up. They would fall apart. They would break. He  
5 spent two plus years developing it.

6 We've asked Ramon -- and last year they  
7 implemented it in Monmouth. So to answer your  
8 question, the only participating racetrack that is  
9 actively using them was Monmouth Park. They were  
10 mandatory there last year.

11 However, Monmouth Park also last year did away  
12 with any whipping rule other than for safety, which  
13 is another issue that Brian mentioned and I will,  
14 if you'll allow me to bring up, is a major concern  
15 of mine.

16 So they have not been used regularly. The  
17 people that have used them have been restricted,  
18 heavily restricted, in using them. There are some  
19 concerns with being able -- the safety of them  
20 being able to pull the whip through because of the  
21 design popper to change length, change hands, if  
22 you have to hit a horse right-handed or  
23 left-handed, you have to switch them quickly.

24 Jocks have complained that they actually drop  
25 reins when they're pulling them through because the

1 wideness of the popper. So there are additional  
2 safety concerns with their use. And for what  
3 reason.

4 The vets have not complained the last few  
5 years since we switched from the old style whip to  
6 the new safety riding crop with the padded popper,  
7 the seven-inch popper. It was not cylinder pull  
8 like this one is, but it does have a compression  
9 index in the regulation. It is in your current  
10 regulation now. We have not seen reports of horses  
11 being cut or welts being seen. So the impetus for  
12 this new specific riding crop is I don't know. I  
13 haven't seen the evidence.

14 Brian also mentioned the supply chain issue,  
15 the supply issue. There are -- Ramon has said,  
16 he's told me specifically he has 500 in the  
17 warehouse ready to go. HISA officials have said  
18 that they do not anticipate a problem with supply  
19 issues.

20 If you consider we have 15 to 1600 licensed  
21 jockeys annually throughout the United States,  
22 eight to 900 active jockeys that ride four to 500  
23 horse races each year at several racetracks, and  
24 each jockey does not have one riding crop. They  
25 have several. They have five. They have eight.

1 If they ride at multiple racetracks regularly, they  
2 will have four or five at each racetrack.

3 In addition, exercise riders, I don't know how  
4 many exercise riders you have on the track or what  
5 we have nationally, but it is in multiples of the  
6 number of jockeys. So to think that 500 or even  
7 double that is going to meet the needs of the  
8 population who will be carrying a riding crop,  
9 they're highly mistaken. Thus, the one-month  
10 delay.

11 Now, we do have other jockeys or industrial  
12 professionals that have made riding crops in the  
13 past that are looking at different designs that  
14 meet the specifications. However, the  
15 specifications from HISA mandate that there's a  
16 five-millimeter compression index in that popper.  
17 There's no tool currently in existence to measure a  
18 five-millimeter compression index in a riding crop.

19 It is going to be left to your stewards to  
20 determine whether these new riding crops from other  
21 manufacturers come in and meet the specifications,  
22 including the ones that Ramon makes, because Ramon  
23 has a maker now who is in Louisiana. There is no  
24 base for the riding crop. So they do not have to  
25 be independently certified before they are released

1 for sale.

2 So nobody is checking on the compression index  
3 to make sure that the whips that are mandated by  
4 HISA actually meet the restrictions in the HISA  
5 rule. So it will be left up to your steward to  
6 squeeze it between their fingers and determine if  
7 it is soft enough. So I don't know how they're  
8 going to do that, against, the rules available.

9 If I may just one second --

10 MR. ELMORE: I was just getting ready to say  
11 everything you said, but that's okay. Go ahead.

12 MR. JOHNSTON: This will be my one thing on  
13 the use of the riding crop is the six times  
14 maximum. Unless, and in every rule that they're  
15 creating now, including New Jersey last year, you  
16 can use the riding crop if it's a safety concern.  
17 You can go over the max. If you hit them seven or  
18 eight times, but two of those times are for safety  
19 issues, then they're free. You get a freebie.

20 However, Otto can attest to this too, to use  
21 the riding crop properly for, safety you have to do  
22 it before a horse reacts to something. You can  
23 sense, the jockey on the horse, the rider, the  
24 exercise rider on the horse, can feel or sense a  
25 horse. Maybe it pricks its ears, maybe it turns

1 its head. But it is not noticeable to the general  
2 public and it cannot be noticeable to your  
3 stewards, no matter how adequately or highly  
4 trained and acclaimed they are. In your steward  
5 stand, a steward cannot see what a jockey feels and  
6 anticipates in a horse, and you have to react and  
7 hit that horse in order for that horse to maintain  
8 focus.

9 If you wait until the horse reacts or does  
10 something wrong and you're using it for safety, a  
11 safety measure, to react to the horse doing  
12 something, that's like putting your safety belt on  
13 after your car has driven off the cliff. It is  
14 useless, and a steward will not be able to see that.

15 So when a jockey is called in for a hearing  
16 because he hit one more time over the limit and  
17 they've taken an owner's purse away, that jockey's  
18 argument is I had to do it for safety, and that  
19 steward's argument is well, we couldn't see that on  
20 the films. It's a flawed system and you're putting  
21 your stewards in a very precarious situation as  
22 well as your owners and the jockeys and every other  
23 industry personnel.

24 So with that, I'll turn it back to Brian.

25 Thank you.

1           CHAIRMAN BORST: Thank you, Jeff. Appreciate  
2           it. Any more questions?

3           MR. ELMORE: In closing, I'd just like to say  
4           this. This coming weekend, we were going to hold  
5           our annual jockeys and jeans event, which is a  
6           fundraiser for the permanently disabled jockeys at  
7           Churchill Downs. Last year it was at Monmouth  
8           Park, this year at Churchill Downs. I am honored  
9           to serve as an ambassador for this event as is Joe  
10          Morris. Joe and I worked closely on this. There  
11          are 62 permanently disabled jockeys, 42 of them are  
12          in wheelchairs. It's the reality of our game.

13          And I hope and pray that that number does not  
14          increase by utilizing a whip that we're not certain  
15          is going to do the job. I also want to say on  
16          behalf of jockeys and jeans, they're very  
17          appreciative of Caesars Entertainment being a  
18          primary sponsor this year of the event at Churchill  
19          Downs.

20          And to take it one step further to show their  
21          commitment to the horse racing industry, next year  
22          the event will be held at Caesars Palace in Las  
23          Vegas. I think that speaks a lot about our track  
24          operator.

25          In closing, you're right, HISA is federal law.

1 Mitch McConnell got that in there December 26 of  
2 2020. There were no hearings. There was no  
3 testimony. It just became part of an 8,000 page  
4 stimulus bill. NBC Evening News used to have a  
5 segment called Fleecing of America. To me this is,  
6 as Joe mentioned before, what they're really  
7 concerned about right now is they want the money.  
8 They want the money. This is the fleecing of the  
9 thoroughbred racing industry in our country. Thank  
10 you very much for your time. Appreciate it.

11 CHAIRMAN BORST: Thank you. Any further  
12 questions. Anybody else want to speak? Everybody  
13 is welcome. I think Brian said it all pretty well.

14 Okay. Nobody else wants to speak.

15 COMMISSIONER McCARTY: I've got a request --

16 CHAIRMAN BORST: Yes, Commissioner McCarty.

17 COMMISSIONER McCARTY: -- from our counsel on  
18 this voluntary agreement. Could you give a brief  
19 summary of some of the mechanisms that would allow  
20 us to back off, pull off, suspend our engagement  
21 with HISA? Do we have options here to go no, we're  
22 on hold?

23 MR. EGGIMAN: There's a 90-day termination  
24 clause in there, that we give 90 days notice to  
25 terminate. Additionally, the agreement becomes

1 null and void when the medication and anti-doping  
2 rules go into effect, which we anticipate is still  
3 January 1.

4 COMMISSIONER McCARTY: The agreement will be  
5 null and void?

6 MR. EGGIMAN: The agreement, yeah, ends at  
7 that time.

8 CHAIRMAN BORST: There would be a new  
9 agreement, then, for 2023?

10 MR. EGGIMAN: Yes.

11 COMMISSIONER McCARTY: And what would be the  
12 terms of that new agreement?

13 MR. EGGIMAN: We do not know. We have not  
14 seen that.

15 COMMISSIONER McCARTY: So that would be yet to  
16 be determined and to be negotiated?

17 MR. EGGIMAN: Yes.

18 MS. PITMAN: Correct.

19 COMMISSIONER McCARTY: But might involve  
20 multiple states negotiating with HISA about. I  
21 assume at some point they want to get to one  
22 uniform agreement, maybe not, maybe the states are  
23 distinctive. But it would allow us to negotiate as  
24 to what an ongoing agreement would be?

25 MR. EGGIMAN: Yes.

1           COMMISSIONER McCARTY: And a 90-notice on  
2 suspending or ending the agreement?

3           MR. EGGIMAN: Yes.

4           COMMISSIONER McCARTY: Thank you.

5           CHAIRMAN BORST: Okay. Any further Commission  
6 member questions? If not, we have before us a  
7 motion and a second to approve the voluntary  
8 implementation agreement. I guess I'll call for a  
9 vote. All those in favor, say aye.

10                           (Members all say aye.)

11           CHAIRMAN BORST: Opposed? The ayes have it.  
12 We're going to try to make the best of it and, I  
13 think if everybody sticks together and works  
14 together, you know, issues like that -- I just  
15 learned today that HISA didn't even have a form for  
16 the stewards to fill out. I mean there's some  
17 basics. I think there's going to be a lot leeway  
18 to start with for people getting registered as well  
19 as whips and other things. There's going to have  
20 to be.

21                   And who knows, it may not be August 1. Maybe  
22 they'll put it off until next year. I don't know.  
23 But it would be nice if they did talk to people who  
24 knew what was going, that's for sure.

25                   Next on the agenda is a discussion of the HISA

1 fee assessment documents. Deena, do you want to  
2 start off on that? That's been another progress,  
3 too.

4 MR. PENNYCUFF: Chairman Borst, we'd like to  
5 request that we delegate to Deena to sign the HISA  
6 agreement that was just passed.

7 CHAIRMAN BORST: So that we all don't have to  
8 do it?

9 MR. PENNYCUFF: Yes. The Indiana  
10 Administrative Code 71 IAC 2-2-1(b) allows the  
11 Commission to delegate to the Executive Director  
12 all powers and duties necessary to fully implement  
13 the purposes of the Horseracing Act. And  
14 Commission staff respectfully requests that the  
15 Commission delegate to Director Pitman the  
16 authority to sign for the Commission on the VIA  
17 that just passed.

18 CHAIRMAN BORST: Okay. Do we have a motion  
19 and a second?

20 COMMISSIONER ESTES: I move to have Deena  
21 sign.

22 COMMISSIONER LEVENGOOD: Second.

23 CHAIRMAN BORST: Okay. All those in favor,  
24 say aye.

25 (Members all say aye.)

1           CHAIRMAN BORST: Opposed? Okay. The  
2 delegation as been made.

3           MS. PITMAN: HISA fee assessment. The Act  
4 provides the Authority shall be funded by assessing  
5 a yearly fee to individual state racing  
6 commissions. The Act provided state racing  
7 commissions until April 1 to inform the Authority  
8 of their intent to pay the 2022 fee.

9           In addition, the Authority promulgated rules  
10 providing that if the state racing commission does  
11 not respond to the request for payment, then the  
12 responsibility for payment falls to the  
13 thoroughbred racetrack in the state.

14           The IHRC did not inform the Authority of its  
15 decision on whether to pay the fee for April 1,  
16 2022. Therefore, the fee payment, then, defaulted  
17 to Horseshoe Indianapolis to pay. Horseshoe  
18 Indianapolis received a letter from the Authority  
19 on May 9, 2022, stating that the amount due to the  
20 Authority for 2022 was \$412,685. And that covered  
21 a six-month period from July 1 to December 31 of  
22 2022.

23           Horseshoe Indianapolis and Indiana Horsemen's  
24 Benevolent Protective Association moved forward  
25 immediately to come up with a solution to pay the

1 first HISA fee assessment. The agreed upon  
2 solution includes utilizing funds generated from  
3 the racetrack's export signal cell before expenses  
4 and splits to cover the fee for 2022. This  
5 arrangement will result in equal contributions from  
6 the racetracks export sales commission and export  
7 monies allocated by contract to the horsemen's  
8 purse account.

9 With the tight deadlines HISA established for  
10 racing commissions to commit to paying an  
11 unbudgeted fee assessment of this size, I wish to  
12 recognize and applaud the horsemen of Indiana and  
13 Caesars for their part in stepping up to the plate  
14 with a plan to cover this assessment.

15 Further, I wish to offer the following  
16 proposal. After many internal meetings and a  
17 review of our budget, I would like to suggest a  
18 share of the paying type of proposition whereby the  
19 Commission agrees to pay Horseshoe Indianapolis in  
20 the amount \$137,562, one-third of the total HISA  
21 fee, to help offset the amount of money that will  
22 essentially be coming out of the purse account.

23 Please understand that while we find ourselves  
24 in the position to be able to make such a payment  
25 for this year, it's certainly not something we are

1           able to sustain for future HISA assessments.  
2           Additionally, in no way would any payment to  
3           Horseshoe Indianapolis or its parent company,  
4           Caesars Enterprise Services, be construed as a  
5           payment to the Authority or the federal government  
6           of the United States nor would it bind the IHRC  
7           into making any future payment to the Authority or  
8           federal government.

9           Should the Commission here today be amendable  
10          to such a proposal, I believe the next step would  
11          be to ask for a motion and then a vote.

12          CHAIRMAN BORST: Thank you. You know, as we  
13          said earlier and Deena said, the horsemen and  
14          Caesar working together on this is amazing, and we  
15          just think we should participate, too. We can, and  
16          we've got the budget to do it this time, but as  
17          Brian says we have no idea what 2023 is going to  
18          be. It could be four times that, five times that.  
19          We just don't know.

20          With hearing that, do you have a question,  
21          Commissioner McCarty?

22          COMMISSIONER McCARTY: Yes. Deena, where  
23          would this 137,000 come from?

24          MS. PITMAN: This 137,000 would come from the  
25          Commission's integrity fund, which is a fund that's

1 out there to help pay for drug testing, for  
2 adjudication cases and whatnot. And this is a fund  
3 that we have accrued funds in over time because  
4 it's a fund that's not reverted back to the general  
5 budget.

6 COMMISSIONER McCARTY: Okay. And it is not  
7 drawn down in different amounts each year or --

8 MS. PITMAN: It just depends on what's going  
9 on, what type of activity that we've had, how many  
10 cases we've had to adjudicate, what we had to pay  
11 for legal expenses. It depends on where we're at  
12 with drug testing expenses. So it get hits  
13 differently every year.

14 COMMISSIONER McCARTY: And would some of these  
15 expenses be covered by HISA and their operations  
16 going forward?

17 MS. PITMAN: Well, some of these expenses  
18 would be covered by HISA. When it comes to January  
19 and they have their new anti-doping program in  
20 effect, they're going to kind of tell us. The cost  
21 is still going to be in there. It's still going to  
22 cost us. It's still going to cost the horsemen.  
23 But we don't know what that cost is going to be  
24 because we don't know what kind of testing they're  
25 going to implement.

1           COMMISSIONER McCARTY: Finally, this 137,000,  
2 will it be a portion at the same schedule as the  
3 payments are scheduled for? In other words, a  
4 fourth of it would be dispersed in September, a  
5 fourth of it in October, November and December.

6           MS. PITMAN: We could work with the racetrack  
7 to make sure that happens that way.

8           COMMISSIONER McCARTY: Yes, I would like to  
9 see that done that way and not some lump sum  
10 figure, because I've expressed concern about where  
11 we are at the end of September and how we feel  
12 going forward.

13          MS. PITMAN: Right. Thank you.

14          CHAIRMAN BORST: Okay. I suppose, then, we  
15 can offer a motion to participate in the 137,000 --  
16 what was it five --

17          MS. PITMAN: 562.

18          CHAIRMAN BORST: 562 --

19          COMMISSIONER McCARTY: So moved.

20          COMMISSIONER ESTES: Second.

21          CHAIRMAN BORST: And then I guess also with  
22 the caveat of four different payments, too, which I  
23 think that was masterful that you guys did that  
24 because that's a good idea, just parcel it out to  
25 them and they took it. So I think they're hungry.

1           So the motion would be the 137,562 and do it  
2           in four different payments much like they're going  
3           to do to HISA. It's been seconded. Any further  
4           discussion? Seeing none, all those, in favor say  
5           aye.

6                           (Members all say aye.)

7           CHAIRMAN BORST: Opposed? The ayes have it.  
8           It's not a lot, but it's a little to try to help  
9           the horsemen out, some purses. That's who  
10          obviously we worry about, and we're trying to grow  
11          the sport. And like you say, there's people with  
12          one horse, two horses and we don't want to run them  
13          out. We want to get more of them in here and fill  
14          the race cards and so forth.

15          So it's going to be a growing process and  
16          hopefully people will be patient. This staff will  
17          do everything it can to accommodate. The stewards  
18          will. Everybody will. Hopefully people will use  
19          common sense, and maybe common sense at some point  
20          will happen eventually with this HISA thing. I  
21          don't know.

22                        Okay. Dale.

23          MR. PENNYCUFF: Chairman Borst, we have one  
24          more delegation request.

25          CHAIRMAN BORST: Okay.

1 MR. PENNYCUFF: Commissioners, Indiana  
2 Administrative Code 71 IAC 2-2-1(b) allows the  
3 Commission to delegate to the Executive Director  
4 all powers and duties necessary to fully implement  
5 the purposes of the Act. The Commission staff  
6 respectfully requests the Commission delegate to  
7 Director Pitman the authority to approve any  
8 modified horsemen's agreement that will be required  
9 to implement the IHRC HISA fee proposal just  
10 passed.

11 CHAIRMAN BORST: Do we have a motion to  
12 delegate that authority?

13 COMMISSIONER McCARTY: So move.

14 COMMISSIONER ESTES: Second.

15 CHAIRMAN BORST: Moved and seconded. Any  
16 discussion? All those in favor, say aye.

17 (Members all say aye.)

18 CHAIRMAN BORST: Opposed? The ayes have it.

19 Thank you all. This is a tough subject and  
20 it's not right. We all know it's not right, but  
21 we've got to make the best of it. It's a federal  
22 law right now and who knows what will happen.  
23 Maybe some of that constitutionality will come  
24 around and then we'll deal with things as it comes.  
25 But everybody just try to have patience and move

1 forward the best we can.

2 Speaking of moving forward, let's go to the  
3 last item on our agenda. It's a good item. The  
4 2022 Community Giving Report from Harrah's Hoosier  
5 Park and Horseshoe Indianapolis, and we have  
6 representatives from both here.

7 If you'll identify yourself for our  
8 transcriber.

9 MS. LANCE: Good morning. I'm Marta Lance.  
10 I'm the community relations manager at Harrah's  
11 Hoosier Park. I, along with the director of  
12 marketing here at Horseshoe Indianapolis, we worked  
13 together to supply the Community Giving Report that  
14 you guys have in front of you.

15 For the eighth consecutive year, Caesars  
16 Entertainment has been honored as one of the most  
17 community minded companies in the US. Harrah's  
18 Hoosier Park and Horseshoe Indianapolis likewise  
19 followed the mindset and are already underway with  
20 the 2022 community relations efforts with budget  
21 expenses of 430,000 and 525,000 respectively.

22 Both properties take a practical approach,  
23 meeting with organizations in the host cities,  
24 counties and equine related to learn their needs in  
25 the areas and offer support. Through quarter two,

1 Harrah's Hoosier Park has given a total of 250,000  
2 to over 33 organizations. Horseshoe Indianapolis  
3 has given \$450,000 to more than 15 organizations.  
4 Both have initial givings and are identified for  
5 the remainder of the year as well.

6 By contributing time, energy and support to  
7 many worthy causes, both properties continue to  
8 make reinforced strong commitments and  
9 relationships with their host communities. Thank  
10 you.

11 CHAIRMAN BORST: Thank you. Any questions?  
12 Commissioner McCarty has a question or two.

13 COMMISSIONER McCARTY: I noticed that the  
14 first six months at Hoosier Park, the total  
15 expenditure is 202, which is less than 50 percent  
16 of the total amount allocated. Is it your  
17 intention to make sure that the full 430,000 is  
18 spent?

19 MS. LANCE: Yes, absolutely.

20 COMMISSIONER McCARTY: And conversely, I  
21 notice that here 450,000 of the 325,000 is being  
22 committed or spent. How did it get to be that  
23 substantial amount for six months?

24 MS. LANCE: For Horseshoe Indianapolis?

25 COMMISSIONER McCARTY: Yes.

1 MS. LANCE: Steve is going to help me out with  
2 this one.

3 MR. JONES: Steve Jones, general manager of  
4 Horseshoe Indianapolis. At the end of last year we  
5 had a backlog of requests that came in from various  
6 community organizations that we took a progressive  
7 approach with in the first six months to make sure  
8 that we were happy with where the money was being  
9 allocated. We made decisions early and moved  
10 forward. A little out of the game, but we're on  
11 pace to finish at our \$525,000 for the year.

12 COMMISSIONER McCARTY: I guess I would offer  
13 the suggestion that you, with funding, catch up on  
14 last year's commitments and free feel to exceed  
15 your stated goal at both tracks. I would be very  
16 favorably impressed with that.

17 In one of those entries, you had 247,000 in  
18 May alone. Was that a large commitment at one  
19 particular project or was it multiple of projects?

20 MR. JONES: We have a couple of large  
21 commitments in Shelbyville specifically here, two  
22 different three-year commitments at \$300,000  
23 apiece. So 200 of that went straight to  
24 Shelbyville, one for the Shelbyville Players and  
25 the other -- there was another 100,000 commitment

1 right in Shelbyville. 200 of that were two  
2 sizeable donations.

3 COMMISSIONER McCARTY: I think I have maybe  
4 one last question. I noticed that the  
5 apportionment of expenditures within the first six  
6 months in Shelby County was predominantly for  
7 Shelbyville and just the reverse is the case in  
8 Madison County where the large proportion, about a  
9 two to one ratio, was to Madison County as opposed  
10 to Anderson. I'm curious if that trend is going to  
11 continue or things balance out.

12 The track in Anderson is in Anderson. And I  
13 hope that you would be acknowledging efforts in  
14 Anderson.

15 MS. LANCE: Yes, we will balance that out  
16 absolutely.

17 COMMISSIONER McCARTY: Okay. I guess I can  
18 close with I compliment you on your commitment to  
19 communities. Please feel free to exceed it a bit  
20 if you need to.

21 CHAIRMAN BORST: Always wanting more. Rick  
22 Moore has input here also.

23 MR. MOORE: Just a quick comment. Rick Moore,  
24 Vice President and Show Manager of Racing at  
25 Harrah's Hoosier Park. To Mr. McCarty's comment,

1 Bill, I've been in Anderson for many, many years  
2 working in Anderson and near and dear to my heart,  
3 been on many boards, trust me we will exceed. A  
4 lot of money is spread around the community of  
5 Anderson. You can trust me on that.

6 COMMISSIONER McCARTY: I will count on that.

7 CHAIRMAN BORST: Any further questions?  
8 Seeing none, thank you. Congratulations to  
9 Caesars. We saw the handout here of the top 50 in  
10 the United States in community giving. That's  
11 pretty impressive I would say. And so then like  
12 Bill was saying, keep giving more, keep giving  
13 more.

14 Okay. Do we have any old business? I don't  
15 think so. Any new business? If somebody wants to  
16 make a motion, we'll adjourn.

17 COMMISSIONER McCARTY: I move that we adjourn.

18 COMMISSIONER ESTES: Second.

19 CHAIRMAN BORST: Moved and seconded. All  
20 those in favor, say aye.

21 (Members all say aye.)

22 CHAIRMAN BORST: We're adjourned. All right.  
23 Thank you all for being here.

24

25 (Time is 11:50 a.m.)

1 STATE OF INDIANA )  
 ) SS:  
2 COUNTY OF HAMILTON )  
3

4 I, Clarice H. Howard, Professional Court  
5 Reporter and Notary Public, within and for the County  
6 of Hamilton, State of Indiana at Large, do hereby  
7 certify that on the 29th day of June, 2022, I took down  
8 in stenographic notes for the foregoing ZOOM hearing;

9 that the transcript is a full, true and correct  
10 transcript made from my stenographic notes.

11 IN WITNESS WHEREOF, I have hereunto set my hand  
12 on this the 20th day of July, 2022.

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Clarice H. Howard  
Court Reporter  
Notary Public

My Commission Expires:  
July 24, 2026  
County of Residence:  
Hamilton County, Indiana

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